REMARKS

This Amendment is filed in response to the Office Action mailed on December 31, 2003. All objections and rejections are respectfully traversed.

Claims 1-28 are in the case.

Claims 1, and 6 were amended to better claim the invention, by formatting the claims to make the claims easier to read.

At paragraphs 1-2 of the Office Action claims 27 and 28 were rejected under 35 U.S.C. § 112, first paragraph, on the grounds that computer readable media and electro-magnetic signals propagating on a computer network are not sufficiently disclosed in the Specification.

Applicant respectfully points out that claim 27 claims a computer readable media, for example a magnetic disk, a CD ROM, a USB memory stick, etc., which has a computer program for the practice of the recited methods written thereon. Applicant respectfully urges that there is no need to disclose computer readable media as any person skilled in the art of the invention knows how to write his/her computer program to a computer readable media. That is, the computer readable media is inherently known to a person who is skilled in the art of the invention.

Therefore, Applicant respectfully urges that claim 27 is allowable under 35 U.S.C. § 112, first paragraph, because there is no need to disclose a computer readable media in the Specification as the use of computer readable media is inherently in the skill set of a person of ordinary skill in the art of the invention.

Further, claim 28 claims transferring a computer program for practice of the recited methods of the invention over a computer network such as the Internet. Any person skilled in the art of the invention knows that software is sold by downloading over the Internet. For example, even people of less skill than a person skilled in the art of the invention know that if they need a printer driver they simply download the driver software from an Internet web site of the printer manufacturer. Accordingly, Applicant respectfully urges that there is no need to disclose downloading software over the Internet, as knowledge of how to do so is inherent in the skill set of a person skilled in the art of the invention.

Therefore, Applicant respectfully urges that claim 28 is allowable under 35 U.S.C. § 112, first paragraph, because there is no need to disclose transferring software over a computer network such as the Internet in the Specification, as the use downloading software over the Internet is inherently in the skill set of a person of ordinary skill in the art of the invention.

At paragraphs 3-4 of the Office action, claims 1, 5, 6, 10, 11, 13, 15, 16, 19, 20, 23-24, and 26 under 35 U.S.C. § 102(e) as being unpatentable in view of U.S. Patent No. 6,078,586 to Dugan et al., issued on June 20, 2000 (hereinafter "Dugan").

The present invention, as set forth in representative claim 20 comprises in part:

A system, comprising:

a first network using a best-route routing protocol;

at least two links not supporting said protocol connected to said first network;

a second network using a best-route routing protocol, ***said second network interconnected with said first network by said at least two links;***

an entry border node in said first network to send a set-up message having a best route from said first network to said second network;

an exit border node in said first network connected to one of said at least two links, said exit border node to receive a clearing message from said second network indicating a rejection of said best route, generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node.

Dugan discloses a single shared Asynchronous Transfer Mode (ATM) network, the ATM network supporting numerous Virtual Private Network (VPN) connections. The single ATM network is made up of routers using a protocol type referred to as a "crankback" message for a downstream router to inform an upstream router that a proposed best route is "broken." See Col. 9, lines 51-62.

At his Fig. 7 Dugan illustrates an Intelligent Network Control Process (his ICP) receiving an indication of a call failure at a link indicated by a large X, and the ICP responding, as Dugan sets forth at his Col. 9 lines 51-62:

> Fig. 7 illustrates the same example network and call as described with reference to Fig. 6, however the destination interface C.2.2.3 either fails, or is congested when the call attempt arrives at switch X2.2.2 destined for customer site B.3 Specifically, switch X2.2 cranks back the SETUP message to the Z level in the hierarchy in step 5. This special level of the hierarchy reserves no bandwidth and through automatic discovery of the network along with the dual homed nature of B.3 ICP node X.2 then returns revised SETUP message (SETUP) in step 6. The network then completes the call via the alternate link to the destination in step 7.

Dugan discloses his SETUP and crank back messages all propagating on a single network which understands a common network protocol. Further, Dugan has his level Z nodes which implement Virtual Private Networks on top of his underlying common network protocol.

Applicant respectfully urges that nowhere does Dugan have any disclosure of Applicant's passing SETUP messages and crankback messages through an exit border node which connects a network which understands the SETUP and the crank back messages to a network which does not understand these messages.

That is, Dugan has no disclosure of Applicant's claimed novel:

at least two links not supporting said protocol connected to said first network

. . .

said second network interconnected with said first network by said at least two links;

. . .

an exit border node in said first network connected to one of said at least two links, said exit border node to receive a clearing message from said second network indicating a rejection of said best route, generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node.

As illustrated in the quoted portion of claim 20, Applicant claims two networks, which understand the SETUP and crank back messages, and the two networks are connected by links which do not understand these messages. In contrast, Dugan discloses a single network which understands these messages, but also supports a higher level protocol for VPN virtual circuits over his single network.

Accordingly, Applicant respectfully urges that Dugan has no disclosure of Applicant's claimed two similar networks connected by links which do not understand protocols of the two similar networks.

Therefore, Applicant respectfully urges that Dugan is legally precluded from anticipating Applicant's claimed invention under 35 U.S.C. § 102 because of the absence from Dugan of Applicant's claimed novel

at least two links not supporting said protocol connected to said first network

. . .

said second network interconnected with said first network by said at least two links;

. . .

an exit border node in said first network connected to one of said at least two links, said exit border node to receive a clearing message from said second network indicating a rejection of said best route, generate a crankback information element in response to said clearing message, add said crankback information element to said clearing message, and forward said clearing message and crankback information element to said entry border node.

At paragraph 5-6 claims 2-3, 7-8, 12, 18, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dugan in view of Soncodi U.S. Patent No. 6,111,881 issued August 29, 2000.

At paragraph 7 of the Office Action claims 4, 9, 14, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dugan in view of Rochberger et al. U. S. Patent No. 6,208,623 issued March 27, 2001.

Applicant respectfully notes that claims 2-3, 7-8, 12, 18, and 25 and claims 4, 9, 14, and 21 are dependent from independent claims which are believed to be in condition for allowance. Accordingly, these dependent claims are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims believed to be in condition for allowance, and therefore in condition for allowance.

Favorable action is respectfully solicited.

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Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

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